

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) Case No. 4:19-cv-00415  
ALEXANDRU BITTNER, )  
Defendant. ) Filed Electronically

**NOTIFICATION TO THE COURT**

Defendant, by their undersigned counsel, respectfully files this Notification to the Court and in support thereof, states as follows:

1. Counsel for Mr. Bittner has discovered that Exhibits Nos. 1-5 to Plaintiff's Motion for Partial Summary Judgment (Dkt. #29) are incomplete. Those exhibits are the corrected FBARs filed by Defendant; however, the government failed to include the accompanying 36-page schedule that Defendant supplied to the government on September 25, 2013 as part of his corrected FBAR filings.<sup>1</sup>

2. In fact, Defendant pointed this deficiency out in his response to Plaintiff's Request for Admission No. 11. And, Plaintiff admitted in Paragraph 26 of its Motion for Partial Summary Judgment that Defendant filed FBARs and accompanying schedules listing the foreign accounts. Dkt. #29 at ¶26

3. Yet, Plaintiff continues to use the incomplete exhibits. Defendant has no issue with use of those exhibits, provided the accompanying schedules are included. To that end, attached as Exhibit A is the 36-page schedule that Defendant attached to his corrected FBARs.

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<sup>1</sup> The 36 page schedule is what the Examiner relied upon in her report [Govt Exs. 61 and 62] that formed the basis of the penalty assessments.

Dated: June 3, 2020

Respectfully submitted,

By: /s/ Farley P. Katz  
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 3, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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